

February 14, 1955.

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SEP 22 1998

CONCORD, N.H.

The Honorable Origene E. Leamerisse,
Hillsborough County Delegation,
State House,
Concord, N. H.

Dear Sir:

You have inquired concerning the authority of the County Commissioners to make purchases for the county jail and for other county departments which are under the management of elected county officials.

Revised Laws, chapter 47, section 8, as amended by chapter 165 of the Laws of 1949 requires that any purchase of equipment or materials made by a county in an amount exceeding \$300 shall be by competitive bidding provided that the County Commissioners by unanimous vote may waive the provisions for such bidding under the conditions set forth in said section.

Section 4 of chapter 47 places the custody and care of all property belonging to the county in the County Commissioners and by section 5 they may repair, enlarge or erect county buildings at an expense not exceeding one thousand dollars.

Section 6 of said chapter 47 says that the County Commissioners may purchase personal property for the use of the county, its courts and officers.

These provisions give to the Commissioners the alternative, at their discretion, to either permit the other county officers to make purchases for departments under their management or to make the purchases themselves.

Sections 7, 7-a and 7-b of chapter 44 as inserted by chapter 73 of the Laws of 1951 dealing with appropriations indicates further control in the Commissioners particularly in instances requiring expenditures which may exceed appropriations and expenditures for which a convention has made no appropriation.

(The Honorable Origene X. Lesmerises)

Unless there is some change in these provisions by the New Hampshire General Court the county delegation may not by "stipulation" attached to an appropriation nullify the authority given by the statutes hereinbefore mentioned in my opinion.

It is recognized that the Hillsborough County delegation is a segment of the New Hampshire Legislature. However, it appears to me that the problem you raise is one dealing with purely county finances and that your guidance in this matter should come from the County Solicitor.

Very truly yours,


George F. Nelson
Assistant Attorney General

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